IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

SOURCEONE GLOBAL PARTNERS, LLC, **Plaintiff,** **v.** **KGK SYNERGIZE, INC.,** **Defendant.**	)	**Magistrate Judge Schenkier** **Case No.: 08 CV 7403**
KGK SYNERGIZE, INC., **Counterclaim-Plaintiff and Third-Party Plaintiff,** **v.** **SOURCE ONE GLOBAL PARTNERS, LLC, d/b/a SOURCEONE GLOBAL PARTNERS, d/b/a SOURCE ONE GLOBAL PARTNERS, LLP, and f/k/a SOURCE ONE GLOBAL, LLC,** **Counterclaim-Defendant** **and** **JESSE LOPEZ,** **Third-Party Defendant.**	)	

MOTION OF JESSE LOPEZ TO DISMISS THIRD-PARTY COMPLAINT PURSUANT TO FEDERAL RULE 12(B)(6)

Third-Party Defendant Jesse Lopez ("Jesse Lopez"), moves this Court, pursuant to Rule 12(b)(6), to dismiss the entirety of Third-Party Plaintiff KGK Syngerize, Inc.'s ("Third-Party Plaintiff" or "KGK") Third-Party Complaint against him because it fails to state a claim upon which relief can be granted. Alternatively, Jesse Lopez moves this court to dismiss Counts III and IV of the Third-Party Complaint for failing to plead with the particularity required by Rule 9(b). Additionally, Jesse Lopez moves this court to dismiss Count VI of the Third Party Complaint for failing to state a claim upon which relief can be granted. Further, Jesse Lopez states:

1. KGK's Complaint, seeking to pierce the corporate veil of SourceOne Global Partners, LLC ("SourceOne") and hold SourceOne's President and Chief Executive Officer, Jesse Lopez, personally liable for the acts of SourceOne, must be dismissed because it fails to state a claim upon which relief can be granted. KGK pleads facts that conclusively demonstrate it is not entitled to relief against Jesse Lopez.

2. Alternatively, this Court should dismiss Counts III and IV against Jesse Lopez because they sound in fraud and KGK has failed to plead the supporting facts with the particularity required by Rule 9(b).

3. Finally, this Court should dismiss Count VI against Jesse Lopez because it fails to state a breach of contract claim against him. The contractual provision that KGK alleges was breached in Count VI was specifically an obligation of SourceOne, and not of Jesse Lopez on an individual basis.

CERTIFICATE RE MEET AND CONFER

4. Pursuant to Magistrate Judge Schenkier's Rule regarding Meeting Requirement on Motions, counsel for Jesse Lopez met and conferred with counsel for KGK on March 25, 2009 at approximately 10:47 a.m. Central time to request that KGK dismiss its claims against Jesse Lopez. The parties were unable to reach agreement, thereby necessitating the filing of this Motion.

WHEREFORE, for all of the foregoing reasons and for all of the reasons set forth in the supporting memorandum, the Court should dismiss with prejudice Third-Party Plaintiff KGK's Third Party Complaint against Jesse Lopez, and grant such other and further relief as the Court deems just and proper.

Respectfully submitted,

POLSINELLI SHUGHART PC

By: s/Keith J. Grady

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ATTORNEYS FOR THIRD PARTY DEFENDANT JESSE LOPEZ AND PLAINTIFF/COUNTERCLAIM DEFENDANT SOURCEONE GLOBAL PARTNERS, LLC

CERTIFICATE OF SERVICE

I hereby certify that on March 26, 2009, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which sent Notice of Electronic Filing to the following:

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